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Attorneys for Defendant
RUSSELL D. YOUNG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HENRY JENKINS,

Plaintiff,

v.

RUSSELL D. YOUNG, *IN PERSONAM*,
AND F/V SMEAGOL, OFFICIAL NO.
583-477, ITS ENGINES, TACKLE,
APPAREL, FURNITURE, ETC. , *IN REM*,

Defendants.

Case No.: C05-5294-SBA

**ORDER DISMISSING, WITHOUT
PREJUDICE, DEFENDANT
RUSSELL D. YOUNG,
INDIVIDUALLY AND
SUBSTITUTING THE F/V
SMEAGOL, INC., AS A
DEFENDANT TO THE ACTION**

**PURSUANT TO THE STIPULATION OF THE PARTIES SUBMITTED ON
APRIL 13, 2006, IT IS HEREBY ORDERED THAT:**

- (1) The defendant Russell D. Young is dismissed, without prejudice, as an individual defendant and that the F/V Smeagol, Inc., be substituted in his place as a defendant to this action.
- (1) **IT IS FURTHER ORDERED THAT** the plaintiff, at his sole discretion, will be entitled to further amend the Complaint naming Russell D. Young as an individual defendant should he conclude in good faith that the evidence warrants his including Russell D. Young as a party to the action. Any such amendment shall be made, filed and served at least thirty-five (35) days prior to the close of fact discovery as set by the Court, may be personally served

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on defense counsel and will require a responsive pleading to be filed by Mr. Young within two weeks of said service.

(2) **IT IS FURTHER ORDERED THAT** an amended Complaint need not be filed at this time and that the Complaint shall be deemed amended to substitute the F/V Smeagol, Inc., as a defendant in place of Russell D. Young individually. All further filings in this action shall be made with the caption being *Henry Jenkins v. F/V Smeagol, Inc., in personam, and the F/V Smeagol, Official No. 583-477, its Engines, Tackle, Apparel, Furniture, etc., in rem.*

IT IS SO ORDERED.

Dated: April 24, 2006

By 
The Honorable Sandra B. Armstrong
United States District Judge

Proposed Order Submitted by:

Dated: April 27, 2006

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Defendants

By /S/
Terence S. Cox

Approved as to Form by:

Dated: April 27, 2006

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By /S/
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